

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JAMES E. SHELTON,)	
)	
Plaintiff,)	7:10CV5002
)	
vs.)	ORDER
)	
WORLD TRUCKING EXPRESS, INC.,)	
LINK AMERICA CORPORATION and)	
JAMSHID B. MIRZAMUKHAMEDOV,)	
)	
Defendants.)	

This matter is before the court *sua sponte*, and pursuant to [NECivR 41.2](#), which states in pertinent part: "At any time, a case not being prosecuted with reasonable diligence may be dismissed for lack of prosecution." Further, [Fed. R. Civ. P. 4\(m\)](#) establishes a 120-day time limit for service of process on the defendant in a civil case, absent a showing of good cause.

In this case the complaint was filed on March 5, 2010. **See** [Filing No. 1](#). The plaintiff filed a notice of executing a summons on the defendant Link America Corporation on March 8, 2010. **See** [Filing No. 8](#). The deadline for service of process expired on or about July 6, 2010. There is no evidence in the record the plaintiff has yet served the other two defendants. The plaintiff has initiated no other action in this matter. Link America Corporation has not filed an answer, however the plaintiff contends Link America was made a party to this suit based on a workers compensation subrogation interest. **See** [Filing No. 10](#) (citing Neb. Rev. Stat. § 48-118). It remains the plaintiff's duty to go forward in prosecuting the case. Under the circumstances, the plaintiff must make a showing of good cause for the failure of timely service or the action must be dismissed as against World Trucking Corporation and Jamshid B. Mirzamukhamedov. Upon consideration,

IT IS ORDERED:

The plaintiff has until the close of business **on July 23, 2010**, to file evidence of service or show cause why this case should not be dismissed for failure to prosecute the defendants World Trucking Corporation and Jamshid B. Mirzamukhamedov.

Dated this 8th day of July, 2010.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge